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Attorneys for Plaintiff:
Vanessa Hamilton,

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

VANESSA HAMILTON,

Plaintiff,

vs.

ORANGE COUNTY SHERIFF'S DEPT.,
AND DOES 1-10,

Defendant.

CASE NO.

**COMPLAINT FOR DAMAGES AND
REQUEST FOR JURY TRIAL**

Plaintiff, Vanessa Hamilton, alleges as follows:

I

PARTIES

- 1.) The Plaintiff, Vanessa Hamilton, hereinafter, Hamilton is an individual and at all times relevant herein is a female African-American, and was employed with the defendant, Orange County Sheriff's Department, hereinafter, the Sheriff's Department.
- 2.) The Sheriff's Department is part of the municipal entity, the Orange County, and at all times relevant was ran pursuant to the customs, policies, usages and practices of the County.

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3.) The defendants sued herein as DOES 1-10 are persons whose current identities are unknown to Hamilton, but who in some shape or form contributed to the facts that led to this lawsuit. Hence the decision to sue them in their DOE capacity. Hamilton hereby reserves the right to amend her complaint to sue the DOE defendants in their real names and capacities once ascertained.

4.) All the events that led to this lawsuit took place in the City of Santa Ana, County of Orange, State of California.

II

JURISDICTION

5.) The Court has jurisdiction over this action pursuant to 28 *U.S.C.* §§ 1331, 1343 because it presents a question arising under the Constitution and laws of the United States. The Court has supplemental jurisdiction to the state law claims pursuant to 28 *U.S.C.* § 1367.

III

VENUE

6.) The claims alleged herein arose from events or omissions occurring in the County of Orange. Therefore venue lies within the Central District of California pursuant to 28 *U.S.C.* § 1391(b)(2).

IV

FACTS COMMON TO ALL CAUSES OF ACTION

7.) Hamilton was employed as a Correctional Services Assistant (CSA) with the Sheriff's Department from November 3, 2010.

8.) In 2011, she promoted to the position of a Sheriff Deputy Trainee.

9.) Hamilton is informed and believes and thereon alleges that as a Sheriff Deputy Trainee, she was discriminated against on account of her race. The discrimination led to her discharge from the academy in January 2012.

10.) Following her discharge from the academy Hamilton was reduced to the position of Sheriff's Record Technician on January 25, 2012. Upon successful completion of

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- her probation in that category, Hamilton promoted back to her position as a
- Correctional Services Assistant, the position she held prior to joining the academy.
- 11.) Hamilton sued the Department based on her belief that she was discriminated against.
- 12.) Still desirous of becoming a Sheriff Deputy, Hamilton enrolled with the San Bernardino Valley College Extended Basic Police Academy.
- 13.) As an employee of the Department, Hamilton is entitled to take vacations.
- 14.) On December 8, 2015 Hamilton applied for vacation for the week May 20, 2016 to May 26, 2016 to help her study and finish her training at the academy.
- 15.) Hamilton's vacation was approved 5 months ahead.
- 16.) On May 16, 2016 the Department rescinded Hamilton's vacation.
- 17.) The Department has a policy of not cancelling employee's vacations or forcing them to do overtime.
- 18.) At the time the Department rescinded her vacation, there were other employees who were on leave or scheduled off and whose vacations were not rescinded.
- 19.) Hamilton protested the rescission of her vacation and informed the Department that she cannot afford not to take her vacation because she will miss out on her academy and graduation.
- 20.) The Department ordered her to report for work.
- 21.) Hamilton based on the departmental policy on leave and her investment of time, energy and money on the academy advised the Department that she cannot do the overtime.
- 22.) Hamilton protested discriminatory act of forcing her to return to work on account of her race.
- 23.) On May 29, 2016 Hamilton's approved time off for school was removed from the calendar by the Department. On May 31, 2016 the Department initiated a personnel Investigation against Hamilton. Prior to this the Department was aware of Hamilton testing for other departments.

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24.) On January 18, 2017 the Department also placed Hamilton on administrative leave then terminated her employment on June 22, 2017.

25.) The Department based on the above terminated her employment.

26.) Following the termination, Hamilton filed a complaint with California Department of fair Employment and Housing, who issued her a right-to-sue letter.

FIRST CAUSE OF ACTION

DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF CALIFORNIA

GOVT CODE § 12900 et seq

27.) Hamilton hereby re-alleges the allegations set forth in paragraphs 1-26 above and incorporates same by reference as if set in full in this paragraph.

28.) The plaintiff is an African-American female.

29.) It is against the law to discriminate against a person on account of her race.

30.) Plaintiff is informed and believes and thereon alleges that she was discriminated against on account of her race because her fellow workers who had pre-approved vacations like her were not forced to give up their vacations like her and were not forced to give up their vacation, nor were they subjected to any adverse employment action.

31.) As a result of the conduct of defendant, Hamilton was harmed in an amount to be proved at trial.

SECOND CAUSE OF ACTION

DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF 42 U.S.C. § 1981

32.) Hamilton hereby re-alleges the allegations set forth in paragraphs 1-26 above and incorporate same by reference as if set in full in this paragraph.

33.) The plaintiff is an African-American female.

34.) It is against the law to discriminate against a person on account of her race.

35.) Plaintiff is informed and believes and thereon alleges that she was discriminated against on account of her race because her fellow workers who had pre-approved vacations like her were not forced to give up their vacations like her and were not

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forced to give up their vacation, nor were they subjected to any adverse employment action.

36.) As a result of the conduct of defendant, Hamilton was harmed in an amount to be proved at trial.

THIRD CAUSE OF ACTION

RETALIATION IN VIOLATION OF 42 U.S.C. § 1981

37.) Hamilton hereby re-alleges the allegations set forth in paragraphs 1-26 above and incorporates same by reference as if set in full in this paragraph.

38.) It is against the law to retaliate against an employee for engaging in a protected activity.

39.) Plaintiff is informed and believes and thereon alleges that the defendant retaliated against her for (a) suing them following discharge from the sheriff's department; and (b) for protesting the discriminatory refusal to allow her to go on her pre-approved vacation.

40.) As a result of the defendant's conduct, Hamilton was harmed in an amount to be proved at trial.

FOURTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF CALIFORNIA GOVT CODE § 12900 et seq

41.) Hamilton hereby re-alleges the allegations set forth in paragraphs 1-26 above and incorporates same by reference as if set in full in this paragraph

42.) It is against the law to retaliate against an employee for engaging in a protected activity.

43.) Hamilton is informed and believes and thereon alleges that the defendant engaged in the aforementioned conduct because she engaged in protected activity.

44.) As a result of the defendant's action, Hamilton was harmed in an amount to be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

1. For general and special damages;

- 1 2. For costs of and reasonable attorneys' fees pursuant to 42 *U.S.C* § 1988 and
2 *California Govt. Code* § 12940
3 3. For such additional and further relief as this court may deem just.

4 Dated: June 21, 2018

Law Offices of Akudinobi & Ikonte,

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6 BY: /s/ Chijioke Ikonte
7 Chijioke O. Ikonte
8 Attorney for Plaintiff
9 Vanessa Hamilton
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